

DOCUMENT RESUME

ED 349 193

SO 022 008

AUTHOR Tillman, Robert
TITLE White-Collar Crime and the Law: An Annotated Bibliography. Teaching Resource Bulletin No. 1.
INSTITUTION American Bar Association, Chicago, IL. Commission on College and University Nonprofessional Legal Studies.
PUB DATE 91
NOTE 6p.
PUB TYPE Guides - Classroom Use - Instructional Materials (For Learner) (051) -- Guides - Classroom Use - Teaching Guides (For Teacher) (052) -- Reference Materials - Bibliographies (131)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Annotated Bibliographies; *Crime; Criminal Law; Educational Resources; Higher Education; *Law Related Education; Undergraduate Study
IDENTIFIERS *White Collar Crime

ABSTRACT

This annotated bibliography of materials concerning white collar crime is directed at undergraduate students and instructors. Materials are organized into eight subject headings: (1) theoretical statements; (2) data sources; (3) financial institutions fraud; (4) environmental crimes; (5) workplace safety; (6) computer crimes; (7) miscellaneous case studies; and (8) regulation and punishment. The materials include books, monographs, statistics, films, videos, journal articles, and reports. (DB)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

White-Collar Crime and the Law:
An Annotated Bibliography

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☒ This document has been reproduced as
received from the person or organization
originating it.

☐ Minor changes have been made to improve
reproduction quality.

- Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

"PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

JOHN PAUL
RYAN

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

So 022 008

ED349193

Bulletin

American Bar Association **ABA** Commission on College and University Nonprofessional Legal Studies

White-Collar Crime and the Law: An Annotated Bibliography

by Robert Tillman

Introduction

Recently the American public has been shocked by revelations of misconduct in many of the country's most prominent institutions. Reports of outrageous conduct on Wall Street and in the nation's Savings and Loan industry have left many Americans angry and full of questions. Where were those charged with preventing such abuses? Why do our laws not work more effectively to prevent multi-billion dollar white-collar crimes? These questions must be addressed not only by policy makers but also by academics.

White-collar crime, once a peripheral topic in criminology, has become a serious subject demanding of interdisciplinary treatment. The following bibliography is an initial corrective to the apparent dearth of white-collar related materials for undergraduate courses. This is *not* an exhaustive survey of the field. Rather, here key works are catalogued that will provide undergraduates with a broad overview of the field including classic works and discussion of central theoretical and legal issues. Students will also find the resources to initiate individual research projects.

The bibliography is organized in four sections. The first contains general theoretical and empirical statements, including the "classic" statements and more recent conceptual debates. The next section provides a description of published data on white-collar crime and the official responses to it. The third and largest section surveys materials drawn from a number of areas which represent some of the major forms of white-collar crime: (1) fraud and abuse in the securities markets, (2) fraud and abuse in the banking industry, (3) environmental crimes, (4) workplace safety, (5) computer crimes, and (6) miscellaneous case studies. A number of excellent films and videos are included.

The fourth bibliographic section reviews a number of recent books, articles and monographs that consider difficult issues surrounding the regulation and punishment of white-collar crime. Included are materials focusing on current policy issues and ongoing legal debates.

The materials reviewed vary considerably in the ease or difficulty with which they may be read by the average undergraduate. To assist instructors and students I have used the following "rating system" to indicate the appropriate audience for each entry.

- *** Easily used by undergraduates at all levels
- ** Readable for most upper division students
- * Should be reserved for senior seminars and/or faculty background reading

I. Theoretical Statements

1. Edwin Sutherland, *White-Collar Crime: The Uncut Version*. (New Haven: Yale University Press, 1983), 291 pp. **

First published in 1949, Sutherland defines white-collar crime and provides statistical information showing many major corporations to be "habitual offenders." The 1983 edition contains a chapter on "Three Case Histories" and identifies specific corporations accused of wrongdoing. An informative introduction describes the origins of the white-collar crime concept and its impact on the social sciences.

2. Herbert Edelhertz, *The Nature, Impact and Prosecution of White-Collar Crime*. (Washington, D.C.: U.S. Govt. Printing Office, 1970), 77 pp. **

Edelhertz revises Sutherland's original definition of white-collar crime to make it independent from the offender's social status, so defining a broader spectrum of offenses. Separate chapters discuss the difficulties associated with the detection of white-collar crimes and the prosecution and sentencing of white-collar offenders.

3. Marshall Clinard and Peter Yeager, *Corporate Crime*. (New York: The Free Press, 1980), 386 pp. **

This book revived interest in the study of white-collar crime by analyzing crime among the top 500 manufacturing firms in the U.S. The authors define and distinguish corporate from occupational crime.

4. John Braithwaite, "White-Collar Crime" in Ralph Turner and James Short, editors, *Annual Review of Sociology*, 1985 11: 1-25, (Palo Alto: Annual Reviews, Inc., 1985). *

In an excellent review, Braithwaite discusses the history of the white-collar concept, its impact on public policy, and useful conceptual frameworks for future analyses.

5. Gilbert Geis, "From Deuteronomy to Deniability: A Historical Perilustration on White-Collar Crime," *Justice Quarterly* (March 1988), pp. 8-32. **

Geis discusses historical predecessors to the contemporary concept of white-collar crime. Drawing on materials from the Middle Ages, he argues that regulation of market-place crimes predates the twentieth century.

6. Susan Shapiro, "Collaring the Crime, Not the Criminal: Reconsidering the Concept of White-Collar Crime," *American Sociological Review* (June 1990), pp. 346-365. *

Shapiro argues that Sutherland's definition of white-collar crime is problematic because it is ambiguous in its references both to characteristics of offenders and their offenses. Shapiro reformulates the concept as a "violation of trust," so capturing behaviors not currently defined as white-collar crimes.

II. Data Sources

1. Bureau of Justice Statistics, *Tracking Offenders: White-Collar Crimes*. (Washington, D.C.: U.S. Dept. of Justice, 1986), 7 pp. **

This report presents statistical data on the prosecution of white-collar offenses in eight states. The analysis shows that white-collar offenders were somewhat more likely to be convicted and somewhat less likely to be incarcerated than non-white-collar offenders.

2. Bureau of Justice Statistics, *White-Collar Crime*. (Washington, D.C.: U.S. Dept. of Justice, 1987), 8 pp. **

This brief monograph provides "the first analysis of Federal efforts to prosecute and punish white-collar criminals." Prosecutions undertaken in 1985 are highlighted.



Editor: Joshua Lazerson

Designer: Harvey Retzliff

Project Director: John Paul Ryan

This is one in a series of teaching resource bulletins on integrating legal issues and themes into undergraduate courses. They are published by the Commission on College and University Nonprofessional Legal Studies, 541 N. Fairbanks Court, Chicago, IL 60611-3314; (312) 988-5736.

Points of view or opinions expressed in this document are those of the author and do not necessarily represent the official position or policies of the American Bar Association or the Commission.

3. U.S. Dept. of Justice, Federal Bureau of Investigation, *White-collar Crime: A Report to the Public*. (Washington, D.C.: U.S. Dept. of Justice, 1988/89). ***

Here, the FBI's efforts to detect and prosecute white-collar crime are detailed. Statistics are provided in areas including government fraud, environmental crimes, public corruption and financial crimes. Conviction and manpower utilization statistics are also provided.

III. Financial Institutions Fraud

A. Securities Markets

1. Susan Shapiro, *Wayward Capitalists: Target of the Securities and Exchange Commission*. (New Haven: Yale University Press, 1984), 227 pp. **

This is one of the few studies detailing SEC efforts to control stock market (particularly securities) fraud. Unfortunately, this 1970's study misses the tumultuous changes in the securities markets and the ensuing scandals that rocked Wall Street in the 1980's.

2. Michael Lewis, *Liar's Poker: Rising Through the Wreckage on Wall Street*. (New York: W.W. Norton, 1989), 249 pp. **

This insider's account provides the reader with a strong sense of the organizational culture of the large investment firms and the personalities therein during the 1980's.

3. U.S. Office of Technology Assessment, *Electronic Bulls and Bears: U.S. Securities Markets and Information Technology*. (Washington, D.C.: Office of Technology Assessment, 1990), 200 pp. **

This government monograph provides a thorough and understandable description of the securities markets and how they operate, with a focus on the impact of new technologies. The chapter on "Market Fraud and Its Victims" is one of the most concise and straightforward explanations of insider-trading and other stock-market abuses available.

4. *Wall Street*, CBS/Fox Videos (126 min.).

Despite its Hollywood approach, Oliver Stone's film accurately portrays the greed and abuses common to Wall Street in the eighties.

B. Fraud in the Banking Industry

1. Phillip Zweig, *Belly-Up: The Collapse of Penn Square Bank*. (New York: Crown, 1985), 500 pp. **

The forerunner to the S&L crisis was a mini-crisis in the banking industry culminating in the bailout of Continental Illinois Bank. Zweig focuses on the origins of that crisis in his examination of the abuses in a small Oklahoma bank similar to those being uncovered in the S&L industry.

2. Stephen Pizzo, Mary Fricker and Paul Muolo, *Inside Job: The Looting of America's Savings and Loans*. (New York: McGraw Hill, 1989), 443 pp. **

This is perhaps the best book to date on the fraudulent activities that led to the S&L collapse. The authors piece to-

gether complicated patterns of fraud and abuse in the thrift industry and conclude that organized crime was behind many of these scams.

3. Kitty Calvita and Henry Pontell, "'Head I Win, Tails You Lose': Deregulation, Crime and Crisis in the Savings and Loan Industry," *Crime and Delinquency* (July 1990), pp. 309-341. **

This article provides a succinct description of the principal forms of financial fraud perpetrated by S&L owners and their confederates during the 1980's, including descriptions of "daisy chains," "land flips," and "cash for trash."

4. Robert Sherrill, "The Looting Decade: S&Ls, Big Banks and Other Triumphs of Capitalism," *The Nation* (November 19, 1990). **

For students who want to understand the S&L collapse without a great deal of attendant technical information, this is the most comprehensive review of its origins and consequences.

5. *Other People's Money*. PBS *Frontline* series (59 min.).

This documentary describes the rise and fall of Charles Keating, owner of Lincoln Savings. The links between Keating's enterprises and his political connections are excellently illustrated, as are the human consequences of S&L fraud.

IV. Environmental Crimes

1. Alan Block and Frank Scarpitti, *Poisoning for Profit: The Mafia and Toxic Waste in America*. (New York: William Morrow, 1985), 361 pp. **

This is a thorough, journalistic case study of the illegal toxic waste industry in New Jersey.

2. Andrew Szasz, "Corporations, Organized Crime, and the Disposal of Hazardous Waste: An Examination of the Making of a Criminogenic Regulatory Structure," *CRIMINOLOGY* (February 1986), pp. 1-28. **

The author "explores the relationship between legitimate corporations and organized crime with whom they contract for the removal, treatment and disposition of those wastes."

3. *Global Dumping Ground: The International Traffic in Hazardous Waste*. PBS *Frontline* series (58 min.).

This remarkable video reveals how trafficking in hazardous wastes has become a major global enterprise. The documentary demonstrates how stricter regulations in the U.S. have created a boom industry in the legal and illegal transport of hazardous wastes to third world countries.

4. Center for Investigative Reporting, *Global Dumping Ground: the International Traffic in Hazardous Waste*. (Washington, D.C.: Seven Locks Press, 1990), 152 pp. *

As a companion piece to the PBS documentary, the book provides more background material on the export of hazardous wastes. The book contains material not shown in the video and also includes a very useful bibliography.

V. Workplace Safety

1. Upton Sinclair, *The Jungle*. (New York: Viking Press, 1946), 342 pp. *

Sinclair's classic novel is still worth reading as a description of horrendous conditions that existed in the meatpacking industry at the turn of the century.

2. Nancy Frank, *Crimes Against Health and Safety*. (Harrow and Heston: New York, 1985), 100 pp. **

Frank examines the creation of new laws that criminalize violations of health and safety standards and asks: Are they effective and are they fair? She provides few new insights.

3. U.S. Congress, House Committee on Government Operations, *Getting Away With Murder in the Workplace: OSHA's Non-use of Criminal Penalties for Safety Violations*. Sixty-Sixth Report, 100th Congress, 2nd Session, 1988, 11 pp. **

This short report presents a blistering critique of OSHA's failure to adequately regulate and prosecute major workplace safety violators.

4. Joseph Kinney and William Mosley, "Death on the Job," *Multinational Monitor* (April 1990), pp. 29-31. *

The authors describe the failure of government agencies to protect workers. They also offer workplace injury and death statistics that are much higher than those reported by the federal government.

VI. Computer Crime

1. Richard Hollinger and Lonn Lanza-Kaduec, "The Process of Criminalization: The Case of Computer Crime Laws," *Criminology* 26:1 (1988), pp. 101-113. *

The authors describe the emergence of laws criminalizing computer abuse by focusing on "(1) role of the media in the definitional process, (2) interest groups and individuals advocating criminalization, and (3) the climate of public and computer-user opinion during enactment."

2. Cliff Stoll, *The Cuckoo's Egg: Tracking a Spy Through the Maze of Computer Espionage*. (New York: Pocket Books, 1989), 326 pp. *

Working at a Berkeley lab, the author became obsessed with tracking down an intruder who had tapped into government data bases. In the process he discovered how vulnerable these computer systems are to hackers.

3. Buck BloomBecker, *Spectacular Computer Crimes*. (Homewood, IL: Dow Jones-Irwin, 1990). **

The author describes a number of infamous computer crimes in detail. Interspersed are brief discussions of available legal remedies and their limitations. A useful list of publications and organizations concerned with computer crimes is included.

4. Bureau of Justice Statistics, *Electronic Fund Transfer Fraud*. (Washington, D.C.: U.S. Dept. of Justice, 1985), 7 pp. **

This report estimates the extent of fraud involving automatic teller transactions and electronic fund transfers.

VII. Miscellaneous Case Studies

1. Christopher Stone, "A Slap on the Wrist for the Kepone Mob," *Business and Society Review* (Summer 1977), pp. 35-42. **

In the 1970's, Allied Chemical pleaded no contest to 940 federal water pollution violations. A large criminal fine was transformed into a "donation" to a designated fund, allowing Allied to deduct it from its taxes. Stone argues that the case indicates the need for more imaginative legal responses to corporate crime.

2. James Brady, "Arson, Fiscal Crisis, and Community Action," *Crime and Delinquency* 28 (April 1982), pp. 249-61. **

Brady links increasing urban arson to the economic interest of real estate speculators, banks and insurance companies.

3. Henry Pontell, Paul Jesilow and Gilbert Geis, "Policing Physicians," *Social Problems* (Oct. 1982), pp. 117-125. **

This paper describes the process by which physician fraud and abuse in the Medicaid program are detected, defined, and sanctioned. The authors focus on state efforts to detect and sanction such medical professionals.

4. John Braithwaite, *Corporate Crime in the Pharmaceutical Industry*. (London: Routledge & Kegan Paul, 1984). **

A case study of crime and unethical practices in the international pharmaceutical industry. Based primarily on interviews in the U.S., Australia, Mexico and Guatemala, the pervasiveness of bribery and the evasion of regulations by major drug companies is revealed.

5. Francis Cullen, William Maakestad, and Gray Cavender, *Corporate Crime Under Attack: The Ford Pinto Case and Beyond*. (Cincinnati: Anderson, 1987), 398 pp. **

This book's first section describes the reemergence of interest in white-collar crime in the 1970's and provides a legal history of the corporate crime concept. The latter section analyzes the notorious Pinto case.

6. Paul Blumberg, *The Predatory Society: Deception in the American Marketplace*. (New York: Oxford University Press, 1989), 258 pp. *

Blumberg examines the infinite techniques of fraud and deception in the American marketplace. These accounts, based in student experience, are readable and often amusing. In the final chapter Blumberg offers a broader sociological analysis of the problem as the result of modern capitalism and the alienation of urban life.

7. Frederic Dannen, *Hit Men*. (New York: Random House, 1990), 387 pp. **

Dannen examines the shady world of "payola" in the music industry.

8. *The Politics of Greed*, PBS *Frontline* series (58 min.).

In the early 1980's New York City was rocked by a far-reaching municipal government scandal that began in the city's Parking Violations Bureau. This documentary traces the scandal and demonstrates how such corruption is endemic to the city's government structure.

VIII. Regulation and Punishment

1. Stanton Wheeler, David Weisburd, and Nancy Bode, "Sentencing the White-Collar Offender: Rhetoric and Reality," *American Sociological Review* (October 1982), pp. 641-659. *

A central concern for students of white-collar crime has been the perceived leniency accorded offenders by the courts. The authors challenge this, suggesting that defendants with higher socioeconomic status tend to receive more punitive sentences than those imposed on less affluent defendants.

2. John Braithwaite, "Challenging Just Deserts: Punishing White-Collar Criminals," *The Journal of Criminal Law and Criminology* 73, 2 (1982), pp. 723-763. *

Those who find class bias in the punishment of white-collar criminals often argue for sentencing policies based on just deserts. Braithwaite argues against this.

3. Kenneth Mann, *Defending White-Collar Crime: A Portrait of Attorneys at Work*. (New Haven: Yale University Press, 1985), 280 pp. *

Mann examines how attorneys defend clients accused of white-collar offenses. He focuses on defense attempts to control information from the stages prior to the indictment through sentencing as the key to their success.

4. Michael Levi, *Regulating Fraud: White-Collar Crime and the Criminal Process* (London: Tavistock, 1987), 386 pp. *

Much of the academic work on white-collar crime has focused on the U.S. Levi examines fraud and legal responses to it in Great Britain, raising broad questions of law and social control.

[PBS *Frontline* videos may be ordered from PBS Videos, (800)424-7963.]

Robert Tillman is Assistant Professor of Sociology at Wheaton College in Norton, Massachusetts 02766